



The Commonwealth of Massachusetts
Executive Office of Health and Human Services
Department of Public Health
State Laboratory Institute
305 South Street, Jamaica Plain, MA 02130

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August 10, 2006

John Wortmann
Assistant U.S. Attorney
U.S. Attorney's Office
1 Courthouse Way
Boston, MA 02110

Dear Mr. Wortmann:

Thank you for your call regarding the needs of our laboratory.

The Massachusetts Department of Public Health, Drug Analysis Laboratory performs analyses of illicit drugs for prosecution of criminal cases in federal court on a regular basis. Since federal and state laws differ, analyses for federal courts must be performed differently than analyses for cases tried in Massachusetts courts. For example, Massachusetts laws make no distinction between cocaine salts and cocaine base (crack cocaine); federal laws impart different penalties for possession of cocaine depending on the exhibit's weight and whether the cocaine is in its salt or base form. This means that there are often more laborious requirements for preparing items for federal court, resulting in additional costs to the laboratory for analyst time, supplies and analytical equipment.

Another issue involves court preparation and testimony. Massachusetts laws allow the laboratory's analysis certificates to be accepted as *prima facie* evidence, so analyses for Massachusetts courts usually do not require court testimony. In federal court the analysts must plan on being called to court for every case. This requires reviewing work, copying documents and scheduling time for testimony.

The laboratory experienced an 11% increase in workload last year without an increase in staff, so the burden placed on the laboratory for analyzing federal drug cases is substantial.

The additional costs to be incurred by the laboratory for analyzing federal exhibits for the next 12 months are estimated below. Assistance with these costs would help mitigate the increasing work load facing the laboratory in the year ahead.

Equipment cost =	\$45,000
Supply cost =	\$500 - 1000
Labor cost (overtime) =	\$9,000 – 12,000

If you need any additional information, please feel free to contact either Charles Salemi at 617-983-6629 or Allan Stevenson at 413-545-2606.

Sincerely,

Allan C. Stevenson
Drug Analysis Laboratory Supervisor
Bureau of Laboratory Sciences, State Laboratory Institute

CC: Alfred DeMaria, Jr., M.D.
Charles Salemi
Julianne Nassif